

REMARKS

Consideration of claims 8-22 is respectfully requested. Claims 1-7 are canceled. Claims 8-18 are directed to a composition. Claims 19-22 are directed to the use of the composition as a gas-generating composition in an inflatable safety device. The claimed ranges recited in claims 15-17 and 20 are supported by the compositions described in Figure 1.

In U.S. application serial no. 09/869,650 (the parent application) claims directed to a method of making a safety device, and which included providing a gas-generating composition containing guanidine dinitramide and guanyl urea dinitramide were rejected under 35 USC 103(a) as being unpatentable over Blomquist (US 6,004,410) in view of Langlet (WO 98/55428).

Applicants assert that the claimed compositions and their use in an inflatable safety device is inventive over the cited references.

Blomquist (410) teaches the use of guanidine dinitramide in combination with an oxidizer as a gas-generating composition in a vehicle protection device. There is no reference to the use of guanyl urea dinitramide in these combinations. In fact, a list of oxidizers, e.g., the inorganic nitrates and perchlorates, to be used with guanidine dinitramide are described at column 3, lines 63-67.

Langlet teaches the use of use of guanyl urea dinitramide as a gas-generating composition in a vehicle protection device. The guanyl urea dinitramide can be used alone or as a component in a propellant composition in place of a nitramine propellant. Page 2, lines 28-30. Like Blomquist (410) there is no teaching of a gas-generating composition containing both guanidine dinitramide and guanyl urea dinitramide, as claimed.

Applicant discovered that of all the many different compounds that can be used as a pyrotechnic, the selection of two very specific compounds provides a significant advantage when used in combination as a pyrotechnic composition for an inflatable safety device. That discovery is embodied in applicant's claims directed to a composition comprising guanidine dinitramide and guanyl urea dinitramide. While each of these two compounds was known *per se* and were used as a component in a pyrotechnic composition, as reflected in the cited references, their specific use together has not been described in any of the prior art cited by the examiner. Because there is no teaching or suggestion in the art that these two specific compounds should be

Application No.:

Docket No.: 20459-00346-US1

selected from the vast array of available compounds and combined, and there is no reasonable expectation of success (i.e., any benefit) taught by the art were that to be done, the rejection under 103(a) is improper and should be withdrawn. *In re Laskowski*, 871 F.2d 115, 117 (Fed. Cir. 1989) (“[t]he mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification”).

In the United States, a proper rejection under 103(a) requires that the references cited against the claims must provide to a person skilled in the art having full knowledge of the art, the motivation for making such a composition. Some reason must exist from the teachings of the references (and not from the applicant’s disclosure) to select these specified ingredients and put them together in a composition. It is not enough simply to say that there is a general teaching or desire to combine materials (and there is not) -- instead, one skilled in the art must be motivated by some teaching in the art to make the specific combination claimed. Then, only if such motivation exists (which applicant submits does not exist here), the art must teach a reasonable expectation of a successful result. The examiner has the initial burden to establish both motivation and reasonable expectation. Restated, the examiner must first establish, from the art, the motivation to select the ingredients, and then establish a reasonable expectation of success resulting from that selection.

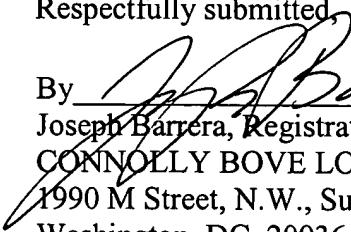
In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 20459-00346-US from which the undersigned is authorized to draw.

Dated: February 6, 2004

Respectfully submitted,

Attachments: Replacement:Drawing

By 
Joseph Barrera, Registration No.: 44,522
CONNOLLY BOVE LODGE & HUTZ LLP
1990 M Street, N.W., Suite 800
Washington, DC 20036-3425
(202) 331-7111
(202) 293-6229 (Fax)
Attorney for Applicant